

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE BROILER CHICKEN ANTITRUST
LITIGATION

Case No: 1:16-cv-08637
Judge Thomas Durkin

THE KROGER CO., ALBERTSONS
COMPANIES, INC., HY-VEE, INC.,

Individual Case No. 1:18-cv-04534

Plaintiffs,

vs.

TYSON FOODS, INC., *et al*,

Defendants.

SAVE MART SUPERMARKETS,

Individual Case No. 1:19-cv-02805

Plaintiff,

vs.

TYSON FOODS, INC., *et al*,

Defendants.

ASSOCIATED GROCERS OF THE SOUTH,
INC., MEIJER, INC.; MEIJER
DISTRIBUTION, INC.; OSI RESTAURANT
PARTNERS, LLC; PUBLIX SUPER
MARKETS, INC., SUPERVALU INC.,
UNIFIED GROCERS, INC., ASSOCIATED
GROCERS OF FLORIDA, INC., and
WAKEFERN FOOD CORPORATION,

Individual Case No: 1:18-cv-04616

Plaintiffs,

vs.

TYSON FOODS, INC., *et al*,

Defendants.

ORDER DISMISSING
CLAIMS WITH PREJUDICE OF TYSON DEFENDANTS


The parties in the above-styled action, through counsel, stipulate to the following and respectfully request this Court's approval of their stipulation:

This Stipulation is between Plaintiffs The Kroger Co., Albertsons Companies, Inc., Hy-Vee, Inc. and Save Mart Supermarkets (collectively, the "Kroger DAPs"), Plaintiffs Associated Grocers Of The South, Inc., Meijer, Inc., Meijer Distribution, Inc., OSI Restaurant Partners, LLC, Publix Super Markets, Inc., Supervalu Inc., Unified Grocers, Inc., Associated Grocers of Florida, Inc., and Wakefern Food Corporation (collectively, the "AGS DAPs"), and Defendants Tyson Foods, Inc., Tyson Chicken, Inc., Tyson Breeders, Inc. and Tyson Poultry, Inc. (collectively "Tyson").

1. This Stipulation relates to *The Kroger Co., et al. v. Tyson Foods, Inc., et al.*, Case No. 1:18-cv-04534, and *Save Mart Supermarkets v. Tyson Foods, Inc., et al.*, Case No. 1:19-cv-02805 (collectively the "Kroger DAP Action"), and *Associated Grocers of the South, Inc. et al., v. Tyson Foods, Inc., et al.*, Case No. 1:18-cv-04616 (the "AGS DAP Action").

2. In accordance with Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the Kroger DAPs, the AGS DAPs, and Tyson stipulate and agree to the dismissal, with prejudice, of the Kroger DAPs' claims and the AGS DAPs' claims asserted against Tyson in the Kroger DAP Action and the AGS DAP Action (including as set forth against Tyson in the Amended DAP Consolidated Complaint, ECF No. 4244), with each side bearing its own attorneys' fees and costs. The Stipulation of Dismissal, with prejudice, has no bearing on the Kroger DAPs' claims or the AGS DAPs' claims against Defendants other than Tyson.

So Ordered



United States District Judge

Dated: October 18, 2021

Dated: October 18, 2021

Respectfully submitted,

By: s/ **William J. Blechman**

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